

Third Report and Account of Trustee; Petition for its Settlement and Allowance of Attorneys Fees

Age: 11		MARIA ALVAREZ-GARCIA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 08/17/13 – 11/18/14	<u>CONTINUED FROM 03/12/15</u>
Cont. from 031215		Accounting - \$201,488.06	
		Beginning POH - \$184,205.54	
		Ending POH - \$177,818.06	
		(\$145,994.48 cash, plus vehicle)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Conservator - not requested	
		Attorney - \$1,050.00 plus costs of \$435 (Total \$1,485.00)	
		Petitioner states the trust funds are invested in a blocked account, the monthly annuity payments of \$1,151.00 are made directly to the blocked account, and funds may not be withdrawn without prior court order. Further, the trustee is not receiving any trustee fees. Therefore, Petitioner requests that future accounts be biennial.	
		Petitioner prays for an Order:	
		1. Settling, allowing and approving the Third Report and Account;	
		2. Ratifying and approving all acts and transactions of the Trustee as set forth in this Third Report and Account;	
		3. Authorizing payment of the attorney fees and costs from the blocked account;	
		4. That future accountings be biennial; and	
		5. Such further order be made as the Court considers proper.	
		Reviewed by: JF	
		Reviewed on: 04/14/15	
		Updates: 04/15/15	
		Recommendation:	
		File 1 - Carbajal	

**Second Account and Report of Trustee Petition for Settlement, for Mileage
Reimbursement, Commissions and Fees to Trustee and Attorney**

		BRYAN JENSEN , son and Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 3/4/2015. Minute Order states matter continued at the request of counsel. [Note: Highlighted text indicates responses to previously raised issues.] Note: BRYAN JENSEN, son, was appointed Conservator of the Person and Estate on 4/1/2009 in Case 09CEPR00152 . Conservatee has resided in Los Angeles County since 11/12/2010. Order on Petition for Transfer filed 11/19/2014 grants the Court Investigator's Petition to Transfer the Proceedings to Los Angeles. The case file was sent to Los Angeles County on 12/9/2014 by certified mail. Receipt of Transfer has not been received by this Court from Los Angeles County. Minute Order dated 4/1/2015 states counsel requests 6 months, and continued the Probate Status Hearing Re: Receipt of Transfer to Los Angeles County to 10/7/2015 . Note: Upon this Court granting the transfer to Los Angeles County, all documents contained in the Fresno County Superior Court file were sent to Los Angeles County Superior Court; hence, this Court's file does not contain a copy of the DEBRA J. JENSEN SPECIAL NEEDS TRUST . Court may require Petitioner to provide this Court with a copy of the DEBRA J. JENSEN SPECIAL NEEDS TRUST for the case file 13CEPR00766 to support Petitioner's assertion in the Declaration Re Needs / Problems / Comments filed 3/6/2015 that there was no requirement for a surety bond in the special needs trust. ~Please see additional page~
		Account period: 1/1/2013 – 12/31/2014	
		Accounting - \$26,400.00	
		Beginning POH - \$25,988.99	
		Ending POH - \$12,397.05 (all cash)	
Cont. from 030415			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W /	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Trustee - \$500.00 (for trustee's services @ \$27.15 per hour (consisting of 1/2 Petitioner's usual \$54.29 hourly rate as sergeant for Santa Barbara Police Dept.; total 192 hours would result in fee of \$5,212.00;)	
		Trustee Costs - \$1,518.00 (for 2,760 miles @ \$0.55/mile, for travel from Petitioner's home in Santa Barbara to Beneficiary's convalescent facility in Gardena; for trust business matters, to review Beneficiary's care, condition, mental and physical status, and personal visits.)	
		Attorney - \$500.00 (per Local Rule 7.19.2 for 2.50 hours @ \$200.00/hour;)	
		Accountant - \$750.00 (paid)	
		Bond - \$25,988.66 (filed in Conservatorship 09CEPR00152 ; bond rider filed 8/26/2013 increasing bond from \$23,328.06 to \$25,988.66; no bond issued for the instant SNT Case 13CEPR00766 ;) ~Please see additional page~	
		Reviewed by: LEG	
		Reviewed on: 4/14/15	
		Updates:	
		Recommendation:	
		File 2 - Jensen	

Petitioner prays for an Order:

1. Settling and allowing the Second Account and Report of the Trustee, and confirming the acts of Petitioner as Trustee;
2. Authorizing payment of the Trustee's commission and Attorney fees; and
3. Allowing mileage reimbursement to Petitioner.

NEEDS/PROBLEMS/COMMENTS, continued:

1. Pursuant to Probate Code § 2621 and 1461(b)(2), need notice of hearing and proof of service of notice with a copy of the petition showing at least 15 days' service by mail to the State Director of Health Services, the Director of Mental Health, and the Director of Developmental Services. *Declaration Re Needs / Problems / Comments* filed 3/6/2015 states the Conservatee resides in an Alzheimer's care facility which is not subject to Probate Code § 2621 and 1461(b)(2) notices.
2. *Schedule B, Disbursements* shows payments for bond premiums of **\$143.47** on 2/12/2013 and of **\$157.04** on 10/21/2013. Bond has not been filed for the Debra Jensen Special Needs Trust, **Case 13CEPR00766**, such that these bond payments appear to be for the Conservatorship bond. Need proof of bond issued to Bryan Jensen as Trustee of the Debra Jensen Special Needs Trust in **Case 13CEPR00766** in the sum of **\$14,076.76** pursuant to Probate Code § 2320(c)(4) and CA Rule of Court 7.903(c)(5). *Declaration Re Needs / Problems / Comments* filed 3/6/2015 states that there was no requirement for a surety bond in the special needs trust.
3. *Schedule B, Disbursements* shows the following disbursements totaling **~\$1,328.22** for cigarettes for the Beneficiary, which do not appear to be appropriate disbursements from the SNT for special needs of the Beneficiary:
 - 3/5/2013 of **\$134.24** for two cartons cigarettes and **\$15.32** in postage to mail cigarettes;
 - 6/19/2013 of **\$70.84** for one carton cigarettes;
 - 6/19/2013 (same date entry) of **\$135.32** for two cartons cigarettes;
 - 10/19/2013 of **\$135.54** for two cartons cigarettes;
 - 12/10/2013 of **\$135.54** for two cartons cigarettes;
 - 1/21/2014 of **\$205.58** for cigarettes;
 - 4/9/2014 of **\$137.05** for cigarettes;
 - 7/16/2014 of **\$218.82** for cigarettes and shampoo;
 - 12/18/2014 of **\$139.97** for two cartons cigarettes.

Declaration Re Needs / Problems / Comments filed 3/6/2015 states the multiple disbursements of **\$1,328.22** were all for the beneficiary; she has smoked cigarettes all of her adult life; she becomes very agitated when an attempt is made to limit her smoking; smoking has a calming effect on her.

4. *Schedule B, Disbursements* shows payment of **\$435.00** on 8/28/2013 for "account filing fee." Court records show payment on 8/28/2013 in Case 13CEPR00766 of a filing fee of **\$200.00** rather than **\$435.00**. Court records show a payment of **\$435.00** was made in Case 09CEPR00152 on 8/26/2013. Need clarification of whether the entry on 8/28/2013 is for the **\$200.00** fee for the SNT, which results in an overcharge to the SNT of **\$235.00**, or if the entry is intended to be for the 8/26/2013 fee of **\$435.00** for the Conservatorship. *Declaration Re Needs / Problems / Comments* filed 3/6/2015 states the 8/26/2013 entry should have been identified as a conservatorship account filing fee.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

5. *Schedule B, Disbursements* shows payment to Bryan Jensen (Petitioner/Trustee) for fees and mileage of **\$3,090.00**, and payment to Attorney Shepard of **\$1,250.50** for fees and **\$435.00** for costs, which may be for the Second Account of the Conservatorship per Order filed 1/9/2014, though *Schedule B* does not specify the date of the Court order, or that these payments disbursed from the SNT were for the Conservatorship services and fees. Need clarification. (Conservatorship file documents have been sent to Los Angeles and cannot be checked for verification of fees ordered.) *Declaration Re Needs / Problems / Comments* filed 3/6/2015 states these payments relate to the Order Settling Amended / Corrected Second Account in the Conservatorship, and were made from the special needs trust account in order to maintain a working balance in the special needs trust beneficiary's conservatorship bank accounts.

Note: Court will set a status hearing as follows:

- **Thursday, February 4, 2016 at 9:00 a.m. in Dept. 303** (1-year account) for filing of the third account.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the dates listed, the hearing will be taken off calendar and no appearance will be required.

(1) Petition for Settlement of First and Final Account and (2) for Final Distribution,
(3) Approval of Attorney Fees and Waiver of Commissions

DOD: 07/13/05		EUGENE E. GLENDENNING , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 07/13/05 – 08/01/14	
Cont. from		Accounting - \$398,357.83	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$398,357.83	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$398,357.83	
<input checked="" type="checkbox"/>	Inventory	(\$2,040.23 is cash)	
<input checked="" type="checkbox"/>	PTC	Executor - waived	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - \$10,967.00	
<input checked="" type="checkbox"/>	Notice of Hrg	(statutory)(to be paid outside of the estate)	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.	Closing - \$100.00	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Distribution, pursuant to decedent's will, is to:	
<input type="checkbox"/>	Conf. Screen	Eugene E. Glendenning- \$2,040.23	
<input type="checkbox"/>	Letters 11/14/13	cash, plus real property, common stock and tangible personal property	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 04/14/15
			Updates:
			Recommendation: SUBMITTED
			File 3 - Glendenning

(1) First and Final Account and Report of Administrator and Petition for its Settlement, (2) for Confirmation and Approval of Acts of Administrator, (3) for Allowance of Compensation to Administrator for Ordinary Services, (4) for Allowance of Compensation to Attorney for Ordinary and Extraordinary Services, and (5) for Final Distribution

DOD: 11/19/11		DALE EWING , Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Accounting period: 01/16/14 – 02/20/15		<p>1. Inventory & Appraisal filed 08/19/14 indicates that the assets of the estate total \$37,680.42. However, Petitioner states that the Inventory & Appraisal should indicate assets of \$36,502.17 as a result of an IRA being less than inventoried and personal property having no value. Need corrected Inventory & Appraisal and an amended accounting may be required.</p> <p>2. Declaration of attorney in support of request for extraordinary fees indicates that the decedent was predeceased by all but 1 sister, however the dates of death of deceased siblings is not stated. The Court may require dates of death for:</p> <ul style="list-style-type: none"> a. Sophie Schafer b. Katie Bedel c. Dorathy Hannickel d. David Kempf e. Gotlieb Kempf f. Sophie Scharton <p>Note: The statutory fees are calculated based on \$36,502.17.</p>	
		Accounting - \$71,535.44			
		Beginning POH - \$36,502.17			
		Ending POH - \$54,027.26 (all cash)			
Cont. from		Administrator - \$2,827.42 (statutory, see note)			
<input type="checkbox"/>	Aff.Sub.Wit.	Administrator costs - \$3,991.07 (itemized, for payment of estate expenses, filing fees, probate referee, publication, etc.)			
<input checked="" type="checkbox"/>	Verified	Attorney - \$2,827.42 (statutory, see note)			
<input checked="" type="checkbox"/>	Inventory	Attorney x/o - \$270.00 (itemized by date for locating heirs)			
<input checked="" type="checkbox"/>	PTC	Costs - \$210.00 (bond premium paid by attorney)			
<input checked="" type="checkbox"/>	Not.Cred.	Closing - \$999.00			
<input checked="" type="checkbox"/>	Notice of Hrg	Distribution, pursuant to intestate succession, is to:			
<input checked="" type="checkbox"/>	Aff.Mail	Annie Ewing - \$7,164.53			
	Aff.Pub.	Gloria Fishel - \$3,560.81			
	Sp.Ntc.	Don Schafer - \$3,560.81			
	Pers.Serv.	Kathleen Barrier - \$3,560.81			
	Conf. Screen	Jim Bedel - \$3,560.81			
	Letters	Darrell Hannickel - \$2,402.48			
	Duties/Supp	Anita Hannickel - \$2,402.48			
	Objections	Phyllis Doud - \$2,402.48			
	Video Receipt	Stella Kempf - \$3,560.81			
	CI Report	David Kempf - \$3,560.81			
<input checked="" type="checkbox"/>	9202	Bill Scharton - \$7,164.53			
<input checked="" type="checkbox"/>	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
<input checked="" type="checkbox"/>	FTB Notice				

Reviewed by: JF

Reviewed on: 04/14/15

Updates:

Recommendation:

File 4 - Kempf

5A **The Michael A. Lee Declaration of Trust 5/27/11**
Atty **Rube, Melvin K. (for Lori Shibata – Trustee – Petitioner)**
Atty **Knudson, David (for Alyssa Lee – Beneficiary – Respondent)**
 Petition for Instructions to Trustee

DOD: 5-29-12		LORI SHIBATA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Page B is the First Account of Trustee Lori Shibata. 1. Petitioner requests costs. The Court may require clarification or itemization. 2. Need order.
Cont from 111314, 031815		Petitioner states: Michael A. Lee established the Michael A. Lee Declaration of Trust dated 5-27-11 and was the initial trustee until his death on 5-29-12. The Trust is now irrevocable.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>The sole remainder beneficiary of the trust is Alyssa Lee, who is currently 20 years old. The trust provides that all remaining assets of the trust are to be held in trust for the benefits of Alyssa Lee, with income to be used for her support, including educational, medical, dental, hospital, and nursing expenses. One half of the trust's assets are to be distributed to Ms. Lee at age 30, free of trust, and the other half are to be distributed to Ms. Lee, free of trust, at age 35.</p> <p>Petitioner states the only assets of the trust are a Wells Fargo checking account containing approx. \$18,000.00 and residential real property in Fresno appraised at \$140,000.00. The trust's only income is the interest earned on the checking account, which is negligible at best. The residential real property is vacant and in very poor condition and cannot be rented until deferred maintenance is done and substantial repairs are made. Monthly expenses including utilities and gardening amount to approx. \$165 per month or \$1,980 per annum. Property taxes for 2013 amounted to \$1,502.28 annually or approx. \$125 per month. Expenses to provide for the care of Ms. Lee in compliance with the trust consist of the payment of her health insurance premiums of \$281 per month or \$3,372 per year.</p> <p>On 3-5-13, Robyn L. Esraelian, attorney for Petitioner, sent a Notice of Proposed Action Pursuant to Probate Code §16500 to Ms. Lee informing her of Petitioner's proposed action to list the property for sale. However, Ms. Lee objected in writing to the sale.</p>	
		SEE ADDITIONAL PAGES	

Page 2

Petitioner states the trust does not contain enough liquid assets to pay the maintenance and repairs on the home to make it habitable and income-producing, to pay current trustee's fees, and to meet the monthly obligations associated with the residence and the beneficiary. If repairs are made, the residence could probably only be rented for no more than \$950/month, which would not generate enough income to pay the monthly expenses as outlined above and ongoing costs of administration such as property management fees and trustee's fees, and would certainly not generate enough income to fulfill the intent of the Trustor.

Petitioner states selling the subject residence and investing the net sales proceeds would generate sufficient principal and income to fulfill the intent of the Trustor to provide for Ms. Lee as set forth in Article Five, Paragraph C of the Trust.

Petitioner prays for an order:

- 1. Directing her, as Successor Trustee of the Michael A. Lee Declaration of Trust, to sell the residential real property located at 773 E. Ellery in Fresno, CA;**
- 2. For costs herein; and**
- 3. For such other orders as the Court may deem proper.**

Beneficiary Alyssa Lee filed an Objection on 12-12-14. Ms Lee states she is aware of the condition of the residence and cost to maintain it, and has proposed that she or a family member be allowed to live there at a fair rental value. Respondent believes rent of \$1100/month, offset by utilities and gardening, would result in a net rental income to the trust of \$800-900, which would generate income for payment of taxes and insurance. Respondent believes that at a reasonable rental, a tenant would be responsible for gardening and property maintenance and would pay their own utilities, eliminating those expenses for the trust. Respondent also believes the sum of \$151,000 is less than fair market value, even considering the necessary repairs. Zillow.com shows the current value at \$185,000.

The residence was Respondent's father's residence and is a very meaningful property to her. She has offered to handle repairs, maintenance and upkeep, through rental, but the trustee continues to refuse to consider the beneficiary's wishes and/or cooperate with her in maintaining the residence. See email communications.

The actions of the trustee in failing to consider the wishes of the beneficiary and adopting an authoritarian and imperious attitude raise the issue of whether the trustee is in violation of the "Duty of Loyalty" Probate Code §16002(a) which requires that a trust be administered solely in the interest of the beneficiaries.

Respondent states sale of the residence resulting in proceeds to be invested over time exposes the trust to market risk. Respondent doesn't believe that a sale would further the interests of the Trustor in providing for Respondent as beneficiary. The Trustor, Michael Lee, was Respondent's father. She has a strong emotional attachment to the residence, and would like it maintained and preserved.

Respondent states she has requested information concerning the assets of the trust, but to date has received no specific or verifiable responses from the trustee about certain issues, including account balances at her father's death. Accounting information shows round numbers, but source documents have not been provided, and bank accounts seldom have round numbers. Respondent has requested information concerning personal property passing to her and her brother, and prepared a list of items known, but the trustee has failed to respond to her request for information.

SEE ADDITIONAL PAGES

Page 3

Respondent states her father had a truck that is not shown as an asset of the trust. Prior to his death, her father made statements that, "they took my car." No information has been provided regarding the vehicle.

Respondent states she was advised that at or about the time of his death, her father had placed \$40,000 in two envelopes, \$20,000 each, for each of his children. Respondent has requested information regarding those envelopes, but the trustee has failed to provide information, although the trustee has acknowledged that the envelopes existed. This money should be accounted for as trust asset.

Counsel for the trustee has twice provided accounting information about the trust. In fall of 2012, following the Trustor's death, information was provided regarding accounts and expenses incurred by the trustee (attached). In January 2014, an "informal accounting" provided additional documentation of transactions through the end of 2013. Total cash at that point was \$30,882.88. This petition indicates assets have decreased to \$18,000. The accounting is not prepared in the form prescribed by the Probate Code and failed to show the required information.

Accordingly, Respondent requests the trustee prepare an accounting in the form prescribed by law. Respondent also requests the Court review the appropriateness of the fees charged by the trustee (\$60/hour or \$5,185.20).

Petitioner requests reimbursement for costs. Respondent believes costs may be payable by the trust.

Respondent requests that:

- 1. The Court deny the petition for instructions in so far as it requests authority to list and/or sell the property and instruct the trustee to maintain and rent the residence at an appropriate rental;**
- 2. That the trustee be ordered to provide additional information concerning the trust assets and administration issues, together with additional information concerning the trust assets;**
- 3. That the trustee be ordered to file and serve on the beneficiary a revised accounting showing the assets on hand at date of death, remaining as of closing of the accounting, and to bring the account current through a date not less than 60 days prior to the rendering of the revised accounting;**
- 4. That the Court review the trustee's requested compensation;**
- 5. That the trustee's request for costs be denied; and**
- 6. For all other and proper orders.**

**First Account Current and Report of Trustee, Petition for Trustee Fee and for
Settlement of First Account Current**

DOD: 5/29/12		LORI SHIBATA , Trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		Account period: 5/29/12 -12/31/14	
		Accounting: \$222,217.13	
		Beginning POH: \$217,835.61	
		Ending POH: \$153,215.26	
<input type="checkbox"/>	Aff.Sub.Wit.	(\$13,215.26 cash plus residential real property valued at \$140,000.00)	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Trustee fee: \$3,870.00 Petitioner has been paid \$5,185.20 for services through 12-31-13 and requests \$3,870.00 for services from 1/1/14 through 12/31/14.	
<input checked="" type="checkbox"/>	Aff.Mail	Trustee reimbursement: \$428.94	
<input type="checkbox"/>	Aff.Pub.	Exhibit B-2 itemizes expenses including bills, travel, services. Receipts also attached.	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Petitioner states she has made disbursements for the maintenance of the residence owned by the trust and for the support and maintenance of Alyssa Lee and her minor daughter Ariana. Petitioner, upon taking over as trustee, determined that the real property owned by the trust was not in a condition to be rented to a third party. The cost to repair is approx. \$15,000.00. See inspection report attached. In addition, the sewer is in need of repair to make the real property habitable, which additional cost is \$1,200-\$1,400.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	Rent would likely be approx. \$950/month. With the cost of property taxes, insurance, manager, yard care, and general maintenance, and health insurance premiums, there would not be sufficient funds to provide for the support and maintenance of the beneficiary and her minor child. See breakdown. The decedent intended that income to the trust was to be used to provide for Alyssa Lee until she was 35. Decedent as trustor authorized the invasion of principal (i.e., the sale of the residence) to accomplish this goal. The primary goal was not to allow Alyssa to live in the house, but to provide income until she reached 35.	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
SEE PAGE 2			

Reviewed by: skc

Reviewed on:
4/15/15

Updates:

Recommendation:

File 5B- Lee

Page 2

Petitioner states she has delivered all personal property to Alyssa Lee as requested, and is unaware of any other personal property referred to by Alyssa Lee. Petitioner has responded to requests for "missing property" on numerous occasions and has advised her that there is no other personal property and nothing has been removed from the home other than the items taken by Alyssa Lee and her mother and brother. Petitioner has responded to Alyssa Lee's inquiries re the truck on several occasions. See Exhibits D-1 and D-2 which show the transfer of the truck to the decedent's parents.

The decedent withdrew money from his checking account prior to his death and delivered the cash to his father. At the time, there was no written instruction as to the disposition of the cash. Therefore, upon his death, his father delivered the cash to Petitioner to deposit to the trust.

Petitioner prays for an order as follows:

- 1. Approving, allowing, and settling the First Account;**
- 2. Authorizing the trustee fees and reimbursement;**
- 3. For such other and further relief as the Court considers proper.**

7A Betty Jean McCoon aka BJ McCoon (Estate) Case No. 14CEPR01117
Atty Wishon, A. Emory, of Motschiedler, Michaelides, Wishon, Brewer & Ryan (for Petitioner Merilee Everett)
Atty Chielpegian, Mark E.; Cobb, Lee S. W.; of Chielpegian Law Offices (for Contestants Gay Mitchell and Elva Van Buskirk)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 10/9/2014		MERILEE EVERETT , niece, and named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Page 7B is the <i>Petition for Letters of Special Administration with General Powers</i> filed by GAY MITCHELL and ELVA VAN BUSKIRK . Page 7C is the competing <i>Petition for Letters of Administration</i> filed by GAY MITCHELL and ELVA VAN BUSKIRK . Page 7D is the <i>Will Contest and Grounds of Opposition to Probate of Purported Will; and Opposition to Appointment of Merilee Everett as Executor</i> filed by GAY MITCHELL and ELVA VAN BUSKIRK . Continued from 3/5/2015. Minute Order states Mr. Cobb reports that the parties are willing to agree that Merilee Everett can continue acting as special administrator pending the Will Contest. The Court extends the <i>Letters of Special Administration</i> to 4/16/2015. The Court notes that the parties agree that the <i>Letters of Special Administration</i> can continue to the date of the Will Contest. All matters continued to 4/16/2015. Note: Request for Dismissal submitted by ATTORNEY COBB was entered by the Court as requested on 3/17/2015 as to the <i>Will Contestant's First Ground for Will Contest</i> under Paragraph 9(a) of the Will Contest, which states that the purported Will is contested on the basis that the purported Will was not executed in a manner and form required by law.
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<p>MERILEE EVERETT, niece, was appointed Special Administrator with Full IAEA authority with bond fixed at \$490,000.00 on 1/27/2015. <i>Proof of Bond</i> was filed 3/5/2015. <i>Letters of Special Administration</i> expire on 4/16/2015.</p> <p>Full IAEA – O.K.</p> <p>Will Dated: 6/10/2004</p> <p>Residence: Fresno</p> <p>Publication: Business Journal</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Real property</td> <td align="right">\$390,000.00</td> </tr> <tr> <td>Personal property</td> <td align="right">\$100,000.00</td> </tr> <tr> <td>Total</td> <td align="right">\$490,000.00</td> </tr> </table> <p>Probate Referee: Rick Smith</p> <p>Declaration of A. Emory Wishon III in Support of Petition for Probate of Will and for Letters Testamentary filed 12/11/2014 states:</p> <ul style="list-style-type: none"> The original Will of the Decedent dated 6/10/2004, naming Decedent's niece MERILEE EVERETT (Petitioner) as the Executrix of her Will and as her sole Beneficiary, was lodged with the Court on 11/9/2014; The Will had been prepared by Russell Ryan of the law offices of Motschiedler, Michaelides, Wishon, Brewer & Ryan; the original Will was delivered to that same office about 10/13/2014 by RHONDA MORRIS, a person who had been a caregiver and housekeeper for and lived with Decedent for over two years; <p align="center">~Please see additional page~</p>	Real property	\$390,000.00	Personal property	\$100,000.00	Total	\$490,000.00	<p>Reviewed by: LEG</p> <p>Reviewed on: 4/15/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7A - McCoon</p>
Real property	\$390,000.00						
Personal property	\$100,000.00						
Total	\$490,000.00						

Declaration of A. Emory Wishon III in Support of Petition for Probate of Will and for Letters Testamentary filed 12/11/2014, continued:

- Ms. Morris indicated she had found the Will within the layers of the bedding in the bedroom of Decedent while cleaning in the days after the death of Decedent;
- The assets of the Decedent included hundreds of original works of art by the Decedent, a commercial artist, and those artworks and many antiques were at the Decedent's home when she died;
- The Petitioner had been asked by the Decedent, her aunt, to be her Executrix many years ago, although Petitioner had never read the Will;
- Following the death of the Decedent and upon being informed that the Will named her Executrix, Petitioner came to the law office of the attorney, **RUSSELL RYAN**, who had prepared the Will, and who introduced the Petitioner to Declarant (Attorney **A. EMORY WISHON**), and Declarant proceeded to advise Petitioner;
- Decedent's home, the furnishings, artworks, and the antiques were at risk at the Decedent's home, and to protect the artworks and antiques from the winter weather (many were stored in a garage in an out building), Declarant instructed Petitioner to take actions necessary to protect the property of the estate pending the appointment of Petitioner as Executrix of the estate;
- Upon that instruction, Petitioner has removed most of the artworks and antiques to a safe, secure commercial storage in Fresno; additionally, Petitioner had an alarm system with security cameras installed at the Decedent's residence;
- **Upon review of the original Will, Declarant noted there are some interlineations; as a precaution in case those interlineations delay the appointment of Petitioner as the Executrix of the estate, Declarant is proposing the simultaneous Petition to the Court of the appointment of Petitioner, first as Executrix, and as an alternative, as the Special Administrator of the Estate [emphasis added];**
- About 12/3/2014 without advance communication, the former caregiver/housekeeper, **RHONDA MORRIS**, and all her family, all of whom were living in the guest house at the Decedent's home, vacated the property and, without authorization, removed some of the remaining artworks, antiques and furnishings;
- Petitioner is attempting to file a police report for the theft of those items;
- Because a number of items and furnishings remain in the now unoccupied house and therefore are at some continuing risk, it is prudent for the Court to appoint Petitioner as the Estate representative in order to have the immediate appointment of a responsible representative of the Estate and its assets.

Declaration of Merilee Everett in Support of Petition for Probate of Will and for Letters Testamentary filed 1/22/2015 states:

- In case the reader is not familiar with BJ McCoon, an article from the Fresno Bee issue of 10/15/2014 is attached as *Exhibit A*; Petitioner Merilee Everett is the Decedent BJ McCoon's niece, and is an artist; she lived with BJ McCoon in her early twenties and studied painting with her; Ms. McCoon was a very strong person with particular view on life and art, which she passed on to her; she feels that she knew Ms. McCoon better than anyone else and have been told by her friends that she also stated that Petitioner understood her better than anyone;
- Many years ago, Ms. McCoon asked Petitioner if she would be willing to be the executor of her estate, knowing that she would do things as she would want them to be done; she agreed to do that wholeheartedly; she made her a promise, and she has kept that promise;
- She also had to live through the experience of Ms. McCoon's home being robbed and trashed by the former caregiver, and she feels it is her duty to make certain that the caregiver is punished to the fullest extent of the law for her actions and disrespect to her aunt and her property;

~Please see additional page~

Declaration of Merilee Everett in Support of Petition for Probate of Will and for Letters Testamentary filed 1/22/2015, continued:

- [Summary of pages 3 to 6, describing post-death activities performed by Petitioner to preserve the Estate; summary of ~\$30,533.93 in expenses by Petitioner as outlined on pages 7 to 8:]
 - Met with Attorney Emory Wishon following phone call to Petitioner from Attorney Russell Ryan informing her she was named Executor; under direction of Mr. Wishon, she immediately changed all locks on the residence to ensure security of the estate; [locksmith **\$575.59**];
 - Tracked down all important papers, bills, etc. pertaining to Ms. McCoon, who did not have an organized system of filing her important papers, making the task extraordinary;
 - Contracted with ADT Security Systems to install security system with surveillance cameras to protect artwork, antique furnishings, Persian rugs, small antiques, etc; the installed cameras provided many video clips of former caregiver and her family removing articles of Ms. McCoon's estate from the house on 12/3/2014 when they abruptly moved out; had surveillance camera installed on front porch; repaired front porch light; [ADT installation @ **\$1,853.89**];
 - Purchased and installed new smoke detectors for the residence;
 - Replaced broken kitchen faucet leaking underneath sink, causing damage;
 - Hired Starr Transfer in the name of the Estate of BJ McCoon for their experience in handling antiques and artwork, and directed them to pack and move every painting and drawing stored on the premises; moving company made special crate at her request for large portrait of Petitioner's grandmother (Decedent's mother); all art and antiques are locked in secure warehouse; [moving and storage **\$15,810.50**];
 - Photographed and logged in her inventory list every painting and assigned each box with a number corresponding to inventory list; entire job of moving Ms. McCoon's body of work, sculptures, antiques, etc., took over 2 weeks;
 - Had locks re-keyed again following theft by Rhonda Morris, and had the driveway gate made inoperable and boarded; secured the barn which contained items;
 - Hired cleaning crew to help clean vast amount of trash and filth left behind by caregiver and her family, who trashed the residence into a complete disaster and stole many items; [cleaning **\$600.00**; trash haul **\$350.00**];
 - Installed new Internet and Wi-Fi at residence to monitor the property from her home in Calabasas; installed new motion light on side of garage to deter intrusion and theft;
 - Took Ms. McCoon's elderly cat to no-kill shelter at substantial cost because of his age and ill health; she did not want the cat abandoned and could not take the cat herself;
 - Found a home for several hens and a rooster that were abandoned by caregiver with no food or water in a filthy chicken yard; arranged for a new coop with new owner; prevented Animal Control from removing Ms. McCoon's pet peacocks that were reported;
 - From 10/14/2014 to 12/15/[2014], she spent **48 days** in Fresno taking care of Ms. McCoon's Estate; [lodging **\$5,847.22**; gas **\$452.39**];

Note: If *Petition* is granted, Court will set Status Hearings as follows:

- **Wednesday, September 16, 2015 at 9:00 a.m. in Dept. 303** for the filing of final inventory and appraisal; and
- **Thursday, June 16, 2016 at 9:00 a.m. in Dept. 303** for the filing of first account and/or petition for final distribution.

Per Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Thursday, April 16, 2015

7B Betty Jean McCoon (Estate) **Case No. 14CEPR01117**
Atty Wishon, A. Emory, of Motschiedler, Michaelides, Wishon, Brewer & Ryan (for Petitioner Merilee Everett)
Atty Chielpegian, Mark E.; Cobb, Lee S. W.; of Chielpegian Law Offices (for Contestants Gay Mitchell and Elva Van Buskirk)

Special Administration with General powers under \$250,000

DOD: 10/9/2014		GAY MITCHELL , niece, and ELVA VAN BUSKIRK , sister, are Petitioners and request appointment of GAY MITCHELL as Special Administrator with general powers (without IAEA) with bond set at \$100,000.00 .	NEEDS/PROBLEMS/ COMMENTS: Note: <i>Petition</i> does not request any IAEA authority (full or limited), and the Petitioners' Declaration of Publication filed 2/18/2015 does not support full IAEA authority. Probate Code §§ 9610 et seq., and §§ 9650 et seq., require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted. Pursuant to Probate Code § 10401, judicial orders, authorization, approval, confirmation or instructions are required for many actions during administration, which might otherwise be accomplished without Court authorization for a personal representative with full or limited IAEA authority. ~Please see additional page~
Cont. from 030515			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Full IAEA — not requested	<p>[Decedent died intestate – see note.]</p> <p>Residence — Fresno Publication — Business Journal</p> <p>Estimated value of the Estate: Real property \$390,000.00 Personal property \$100,000.00 Total \$490,000.00</p> <p>Probate Referee: Rick Smith</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> • There is a dispute regarding the validity and enforceability of the document titled the Last Will and Testament of B.J. McCoon; • To the extent the Court determines it necessary pending the resolution of the dispute to appoint a special administrator, then Petitioners request they be appointed; • Petitioner Gay Mitchell, as Decedent's niece, should be afforded priority to be appointed (Probate Code § 8541(b)); • Decedent was a widow and had no issue; she is survived by her sister, Petitioner Elva Van Buskirk, who has priority under Probate Code § 8461(f); Elva has elected to nominate her niece, Gay, to serve as personal representative (signed nomination attached); • Given that Gay was nominated by a person with priority, Gay should be afforded priority for appointment.
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		Reviewed by: LEG Reviewed on: 4/15/15 Updates: Recommendation: File 7B – McCoon	

NEEDS/PROBLEMS/COMMENTS, continued:

1. Item 2(b)(4) of the *Petition* requests appointment of special administrator with general powers. It appears Petitioners seek to proceed with general powers for the appointment of special administrator; however, *Declaration of Publication* filed 2/18/2015 shows that these powers have not been included in the publication for the *Petition for Letters of Special Administration with General Powers*.
2. Item 8 of the *Petition* does not but should list the following heirs of Decedent: **JODY MONTGOMERY**, niece, and **PATRICIA VAN BUSKIRK**, niece (*Despite that they are not entitled to notice, their names should be listed.*)
3. Bond is required in the sum of **\$490,000.00** pursuant to Probate Code § 8480, rather than **\$100,000.00** as Petitioners request, unless the Court fixes a different sum for bond.

Note: If *Petition* is granted, Court will set Status Hearings as follows:

- **Monday May 18, 2015 at 9:00 a.m. in Dept. 303** for the filing of proof of **\$490,000.00** bond;
- **Wednesday, September 16, 2015 at 9:00 a.m. in Dept. 303** for the filing of final inventory and appraisal; and
- **Thursday, June 16, 2016 at 9:00 a.m. in Dept. 303** for the filing of first account and/or petition for final distribution.

Per Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

7C Betty Jean McCoon (Estate)**Case No. 14CEPR01117****Atty Wishon, A. Emory, of Motschiedler, Michaelides, Wishon, Brewer & Ryan (for Petitioner Merilee Everett)****Atty Chielpegian, Mark E.; Cobb, Lee S. W.; of Chielpegian Law Offices (for Contestants Gay Mitchell and Elva Van Buskirk)****Petition for Letters of Administration**

DOD: 10/9/2014		GAY MITCHELL , niece, and ELVA VAN BUSKIRK , sister, are Petitioners and request appointment of GAY MITCHELL as Administrator (without IAEA) with bond set at \$100,000.00 . Full IAEA — not requested Decedent died intestate. Residence — Fresno Publication — Business Journal	NEEDS/PROBLEMS/ COMMENTS: <u>Note:</u> <i>Petition</i> does not request any IAEA authority (full or limited), and the Petitioners' Declaration of Publication filed 2/18/2015 does not support full IAEA authority. Probate Code §§ 9610 et seq., and §§ 9650 et seq., require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted. Pursuant to Probate Code § 10401, judicial orders, authorization, approval, confirmation or instructions are required for many actions during administration, which might otherwise be accomplished without Court authorization for a personal representative with full or limited IAEA authority. ~Please see additional page~
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<input checked="" type="checkbox"/>	Notice of Hrg	<u>Estimated value of the Estate:</u> Real property \$390,000.00 Personal property \$100,000.00 Total \$490,000.00	
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7C

NEEDS/PROBLEMS/COMMENTS, continued:

4. Item 8 of the *Petition* does not but should list the following heirs of Decedent: **JODY MONTGOMERY**, niece, and **PATRICIA VAN BUSKIRK**, niece (*Despite that they are not entitled to notice, their names should be listed.*)
5. Bond is required in the sum of **\$490,000.00** pursuant to Probate Code § 8480, rather than **\$100,000.00** as Petitioners request, unless the Court fixes a different sum for bond.

Note: If *Petition* is granted, Court will set Status Hearings as follows:

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7D Betty Jean McCoon (Estate) **Case No. 14CEPR01117**
Atty Wishon, A. Emory, of Motschiedler, Michaelides, Wishon, Brewer & Ryan (for Petitioner
Merilee Everett)
Atty Chielpegian, Mark E.; Cobb, Lee S. W.; of Chielpegian Law Offices (for Contestants Gay
Mitchell and Elva Van Buskirk)

**Will Contest and Grounds of Opposition to Probate of Purported Will; and
Opposition to Appointment of Merilee Everett as Executor and/or as Special
Administrator**

DOD: 10/9/2014		<p>GAY MITCHELL, niece, and ELVA VAN BUSKIRK, sister, are Contestants.</p> <p>Contestants allege:</p> <ul style="list-style-type: none"> • Probate of the Purported Will should be denied on the following grounds: <ul style="list-style-type: none"> ○ The Purported Will was not executed in a manner and form required by law; ○ The Purported Will was revoked by Decedent as evidence by the markings on the face of the Purported Will; • Contestants oppose the appointment of MERILEE EVERETT as the personal representative of the estate on the following grounds: <ul style="list-style-type: none"> ○ Contestants dispute the validity of the Purported Will and contend that the Purported Will was revoked in its entirety as evidence by the line outs on the face of the Purported Will; therefore, the appointment of Respondent as executor has been revoked; ○ In the absence of a valid will nominating an executor, ELVA VAN BUSKIRK is the person entitled to priority under Probate Code § 8461(f); she has nominated Gay Mitchell to serve as administrator (nomination attached as Exhibit B); the nominee has priority next after the class of person making the nomination; ○ Respondent is not capable by her own admission of serving as personal representative; in particular, since the Decedent's death she has generally refused to communicate with any of the other heirs at law and related family members; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Request for Dismissal submitted by ATTORNEY COBB was entered by the Court as requested on 3/17/2015 as to the Will Contestant's First Ground for Will Contest under Paragraph 9(a) of the Will Contest, which states that the purported Will is contested on the basis that the purported Will was not executed in a manner and form required by law.</p>
Cont. from 030515			
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
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		<p>Reviewed by: LEG</p> <p>Reviewed on: 4/15/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7D – McCoon</p>	

Contestants allege, continued:

- Attached as Exhibit C is copy of Respondent's email dated 10/12/2014, in which Everett requests that all communications be directed to her husband, **PAT EVERETT**, given that she was "unfamiliar with legal and financial matters."
- Based on this inability to handle legal and financial matters, Contestants believe Respondent delegated various duties to her husband;
- **PAT EVERETT** has repeated this request, and has directed the heirs and other family members not to contact Respondent (copy of email attached as Exhibit D); thus Pat Everett, a person not entitled to appointment, has unilaterally attempted to assume control of Decedent's estate; Respondent and her husband have also levied threats against the other heirs and family members to stay away from Decedent's house;
- Respondent is estranged from her family including Contestants, and by her own acknowledgment is incapable of effectively communicating with all interested parties regarding the administration; moreover, Respondent was estranged from Decedent for a number of years preceding Decedent's death, and Decedent would not want Respondent to serve as the personal representative of her estate;
- Respondent's petition should be denied because she is not capable of serving as a personal representative, and a person with higher priority has nominated a suitable personal representative who is able and willing to serve;
- In the event the Court is not inclined to appoint Contestant Gay Mitchell as the personal representative, Contestants would respectfully request that the **PUBLIC ADMINISTRATOR** be appointed in lieu of Respondent;

Contestants request this Court order that:

1. The Petition filed by Merilee Everett be denied in its entirety;
- ~~2. The document titled the Last Will and Testament of B.J. McCoon be denied admission to probate;~~
3. The request of Merilee Everett to be appointed as the executor of the estate be denied;
4. The request of Gay Mitchell to be appointed as administrator be granted, and Letters of Administration should issue; and
5. The request of Gay Mitchell to be appointed as Special Administrator be granted, and Letters of Special Administration should issue.

Answer of Respondent Merilee Everett to Will Contest and Grounds of Opposition to Probate of Purported Will; and Opposition to Appointment of Merilee Everett as Executor and/or as Special Administrator filed on 3/5/2015 admits and denies specified allegations [omitted from summary], provides First and Second Affirmative Defenses.

		TEMPORARY EXPIRED 3/19/15	NEEDS/PROBLEMS/COMMENTS: Continued from 3/19/15. Minute Order states: Examiner notes handed in open court; Ms. Salinas represents that she will be obtaining counsel. Mr. Krbechek requests that the temporary orders be allowed to dissolve; the Court grants the request. The Court orders that Jenna Harmon pick the minors up from Jamie Salinas on 3/20/15 at 10 a.m. The Court further orders the matter referred to the Department of Social Services for further assessment. Additionally, Jason Surabian, father, shall have visitation, supervised by Jamie Salinas, every other Saturday starting 3/21/15 at the McDonalds in Fowler from noon to 2 p.m. Parties mutually agree to an alternative place. There are to be no other parties brought to the visits and no discussion of this matter with each other. 1. Need Notice of Hearing. Please see last page for additional needs/problems/comments
		JAMIE ROSE SALINAS , paternal aunt, is petitioner.	
Cont. from 031915		Please see petition for details.	
	Aff.Sub.Wit.		
✓	Verified		
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	Notice of Hrg	X	
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✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT Reviewed on: 4/14/15 Updates: Recommendation: File 8A – Surabian

NEEDS/PROBLEMS/COMMENTS (cont):

2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition on:
 - a. Jenna Harmon (mother)
3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
 - a. Timothy Surabian (paternal grandfather)
 - b. Cathryn Smith (paternal grandmother)
 - c. Paternal grandparents

		JAMIE ROSE SALINAS , paternal aunt, petitioned the court to be appointed guardian. The mother, JENNA HARMON , objected. This status hearing was set re: contested hearing date.	NEEDS/PROBLEMS/COMMENTS:
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		Reviewed by: KT	
		Reviewed on: 4/14/15	
		Updates:	
		Recommendation:	
		File 8B - Surabian	

Atty Larson, Timothy J.; Johnson, Summer; of Dowling Aaron (for Petitioner Angela J. Gallardo, Successor Co-Trustee)

Atty Thirkell, Edward D., of San Mateo (for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)

Atty Thompson, Timothy L., of McCormick Barstow (by Notice of Association filed 3/25/2015, also for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)

Special Appearance; Petition for Change of Venue; and Objection to Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee; and Request for Stay of Proceedings

Judith DOD: 10/2/2012	KENNETH R. GALLARDO, Co-Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: CONTINUED TO 4/23/2015 Pursuant to Minute Order dated 4/8/2015 from the hearing on the Petition to Remove Co-Trustee filed by ANGELA GALLARDO.
Ray DOD: 9/10/2014		
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Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: LEG	
	Reviewed on: 4/15/15	
	Updates:	
	Recommendation:	
	File 9 - Gallardo	

10

Joseph R. Martinez (CONS/PE)

Case No. 15CEPR00106

Atty Krause, Stefanie J. (for Joseph R. Martinez, Jr. – Son – Petitioner)

Atty Boyett, Deborah (Court appointed for Proposed Conservatee)

Atty Kruthers, Heather (for Public Guardian)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
1820, 1821, 2680-2682)

See petition for details.			NEEDS/PROBLEMS/ COMMENTS: <u>Court Investigator advised rights 2-25-15.</u> <u>Voting rights affected – need minute order</u> <u>SEE ADDITIONAL PAGES</u>
Cont. from 31215			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	X	
	FTB Notice		
			Reviewed by: skC
			Reviewed on: 4-15-15
			Updates:
			Recommendation:
			File 10 - Martinez

10

Page 2

NEEDS/PROBLEMS/COMMENTS: The following issues have not been addressed:

1. Although the capacity declaration supports dementia powers, the petition did not request dementia powers – there was no Attachment Requesting Special Orders Regarding Dementia (Mandatory Judicial Council Form GC-313) attached to the petition or amendment. Amended petition may be required for notice to the proposed Conservatee and relatives that dementia powers are also being sought.

Note: Service on the proposed Conservatee, all relatives, and VA should include all amendments to the Petition as well as the mandatory Judicial Council Form GC-313 Attachment Requesting Special Orders Regarding Dementia.

2. Need Citation and proof of personal service of Citation with a copy of the petition (*including all amendments requesting dementia powers and requesting appointment of the Public Guardian*) at least 15 days prior to the hearing on Proposed Conservatee Joseph R. Martinez pursuant to Probate Code §1824.
3. Need Notice of Hearing and proof of service of Notice of Hearing with a copy of the petition (*including amendments*) at least 15 days prior to the hearing on the proposed Conservatee's spouse, Carmen Lopez (Martinez), pursuant to Probate Code §1822(b)(1).
4. Need proof of service of Notice of Hearing with a copy of the petition (*including amendments*) at least 15 days prior to the hearing on the jurisdictional Office of Veterans Administration pursuant to Probate Code §1822(d).
5. The caption of the Capacity Declaration indicates that it was filed by the Fresno County Public Guardian; however, it does not appear that he Public Guardian is involved in this matter. Need clarification.
6. If Public Guardian is appointed, need new Order and Letters.

Note: If granted, the Court will set status hearings as follows:

- Thursday, August 13, 2015 for filing the Inventory and Appraisal
- Thursday, June 16, 2016 for filing the First Account

If the proper items are on file prior to the status dates pursuant to Local Rules, the status hearings may come off calendar.

Note: Petitioner Joseph R. Martinez was appointed Temporary Conservator of the Estate on 3-12-15. The Court may require an accounting for the period of his conservatorship pursuant to Probate Code §2256. If required, the Court will also set status hearing as appropriate.

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 02/03/2015		THEODORE M. HAW , spouse/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – o.k.	1. Dr. Alfred Wong, decedent's brother, is listed in the decedent's will however he is not listed on attachment 8 of the petition. 2. Need proof of service of the Notice of Petition to Administer Estate on Dr. Alfred Wong pursuant to Probate Code § 8110.
		Will dated: 01/09/2003	
Cont. from		Residence: Fresno	Note: If the petition is granted status hearings will be set as follows: • Thursday, 08/13/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Thursday, 06/16/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/>	Verified		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		Estimated value of the Estate: Personal property - \$8,500.00 Real property - \$250,000.00 Total - \$258,500.00
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		Probate Referee: Rick Smith
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LV
			Reviewed on: 04/14/2015
			Updates:
			Recommendation:
			File 11 – Haw

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 01/02/2012	NANCY RICHTER , daughter, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
	No other proceedings	1. Davilyn Myrick, daughter of the decedent has assigned her interest in this estate to her sister, Nancy Richter. There does not appear to be a provision in the Probate Code that would allow an individual to assign their interest in the estate in a summary proceeding. 2. Petition must be joined in by all who succeed to the property. Therefore Davilyn Myrick must also be a petitioner.
Cont. from	I&A - \$55,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Petitioner requests Court determination that decedent's 100% interest in real property located at 1911 E. Princeton Fresno, Ca pass to Nancy Richter.	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 04/14/2015
		Updates:
		Recommendation:
		File 12 – Johnson

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 01/19/2015	MIKE PISTORICH , nephew, is petitioner and is requesting to be appointed as Administrator with will annexed without bond.		NEEDS/PROBLEMS/COMMENTS: 1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1). Note: If the petition is granted status hearings will be set as follows: • Thursday, 08/13/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Thursday, 06/16/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from	Full IAEA – o.k.		
✓ Aff.Sub.Wit.			
✓ Verified		Will dated: 08/07/1984	
Inventory		Residence: Fresno	
PTC		Publication: The Business Journal	
Not.Cred.			
✓ Notice of Hrg		Estimated value of the Estate:	
✓ Aff.Mail	w/	Personal property - \$630,450.53	
✓ Aff.Pub.		Real property - \$344,238.22	
Sp.Ntc.		Total - \$974,688.75	
Pers.Serv.		Probate Referee: Rick Smith	
Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LV
			Reviewed on: 04/15/2015
			Updates:
			Recommendation:
			File 13 – Kurtovich

Atty LeVan, Nancy J. (for Administrator Lorena Garcia)
 Atty Littlewood, William (for Omega Ochoa Garcia – Surviving Spouse)
 Status Conference Re: Litigation & Mediation

DOD: 2-7-07	<p>LORENA GARCIA, Daughter is Administrator with limited IAEA without bond. Letters issued 7-21-08.</p> <p>On 7-14-09, the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues: 1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and 2) Receipt of proceeds due from an eminent domain matter</p> <p>On 10-4-11 (the 7th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made.</p> <p>Status Report filed 8-27-13 states the estate is currently in a holding pattern pending the outcome of the appeal of the civil matter which holds the bulk of the estate property. There have been no funds received into the estate from the \$184,798 awarded in 7/2011 due to the appeal on behalf of the Roberts. The personal property listed on the inventory is currently in the possession of Omega Garcia (spouse). Until the civil matter is decided, we do not know what the final I&A amount will be.</p> <p>Status Report filed 11-24-14 states an email from Attorney Littlewood of McComrick Barstow, who handled the civil litigation regarding the real property and is also handling enforcement of the judgment with the Sheriff's Dept., on 11-20-14 stated that the Writ of Execution and instructions have been submitted to the sheriff. To date, the Sheriff has not issued a Notice of Sale, and calls to the Sheriff's Dept. have gone unreturned. Attorney Littlewood's colleague, John Hastrup, will attend the hearing on 12-4-14 to give the Court information.</p> <p>Status Report filed 4-14-15 states Attorney John Hastrup is now handling enforcement of the judgment with the Sheriff's Department. The Court ordered the Roberts to appear 5-14-15 and show cause why their property should not be sold to satisfy the judgment. Nothing further can happen until after that date. Ms. LeVan therefore requests a 60 day continuance.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 042613, 083013, 013014, 050114, 100214, 120414		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc		
Reviewed on: 4-14-15		
Updates:		
Recommendation:		
File 14 - Garcia		

Notice of Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 11/25/07	MARGIE GFELLER , Spouse, was appointed as Executor without IAEA authority and without bond on 03/18/08. Letters were issued on 05/13/08.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 12/18/14</u> 1. Need Accounting/Report of Administrator and Petition for Final Distribution.																																													
Cont. from 010314, 030714, 050214, 073114, 081414, 091814, 121814 <table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.			Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice	
Aff.Sub.Wit.																																															
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Status Rpt																																															
UCCJEA																																															
Citation																																															
FTB Notice																																															
		Reviewed by: JF Reviewed on: 04/14/15 Updates: Recommendation: File 15 – Gfeller																																													

		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Second and Final Account filed on 4/13/15.
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: KT
		Reviewed on: 4/14/15
		Updates:
		Recommendation:
		File 16 – De La Mora

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

		TEMPORARY EXPIRES 4/16/15	NEEDS/PROBLEMS/COMMENTS:
		PUBLIC GUARDIAN is petitioner and requests appointment as Conservator of the person with medical consent powers. Please see Petition for details. Court Investigator Report filed on 3/23/15.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 4/14/15
			Updates:
			Recommendation:
			File 17 – Cedillo

Petition for Transfer

			FRANKLIN and CHRISTINA MATA , parents, were appointed conservators in Los Angeles County on 4/17/2001.	NEEDS/PROBLEMS/COMMENTS: If the Petition is granted a Status Hearing will be set for the filing of the Receipt of Transfer on June 17, 2015 at 9:00 a.m. in Dept. 303.
Cont. from			Court Investigator JENNIFER DANIEL filed a Petition for Transfer on 3/3/15 requesting this proceeding be transferred to Orange County because the conservatee has resided there for over 18 months, and it is presumed pursuant to Probate Code §2215 that transfer of the conservatorship case to the county of residence is in the best interests of the conservatee.	
	Aff.Sub.Wit.			
✓	Verified		Court Investigator further recommends that the fees and costs related to this transfer be waived.	
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: KT
Reviewed on: 4/14/15
Updates:
Recommendation:
File 18 – Mata

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 63	<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p align="center"><u>Please see Petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 03/18/2015.</p> <p>Voting Rights Affected Need Minute Order</p>
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
<p>Reviewed by: LV</p> <p>Reviewed on: 04/15/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 – McCurn</p>		

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 01/23/2015		WANDA JONES , daughter/named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 03/28/2006 Residence: Selma Publication: The Selma Enterprise <u>Estimated value of the Estate:</u> Real property - \$200,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: <u>Note: If the petition is granted status hearings will be set as follows:</u> • Thursday, 08/13/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Thursday, 06/16/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
Cont. from 032615				
<input type="checkbox"/>	Aff.Sub.Wit.			s/p
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/
	Aff.Pub.			x
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: LV				
Reviewed on: 04/14/2015				
Updates:				
Recommendation: Submitted				
File 20 – Dobson				

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

TEMPORARY EXPIRES 4/2/15.

JOCELYN LISSETH CASTILLO VALLE, minor, is petitioner and requests appointment of **PAULA VALLE GUEVARA**, maternal aunt, as guardian.

Please see petition for details.

Court Investigator Report filed on 3/24/15.

NEEDS/PROBLEMS/COMMENTS:

Continued from 4/2/15. Minute order states the matter is continued to make attempts to locate the father and mother of the minor. –

Additional Declarations of Due Diligence filed on 4/7/15.

Cont. from 041615

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W/
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Reviewed by: KT

Reviewed on: 4/14/15

Updates:

Recommendation:

File 21A - Valle

Motion for Specific Factual Findings Regarding "Special Immigrant Juvenile" Status

			JOCELYN LISSETH CASTILLO VALLE, minor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Please see petition for details.	
Cont. from 040215				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W/		
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 4/14/15	
			Updates:	
			Recommendation:	
			File 21B - Valle	

Petition for Appointment of Temporary Probate Conservator of the Person

			NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 4/30/15</u> Per Attorney Request
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: skc			
Reviewed on: 4/14/15			
Updates:			
Recommendation:			
File 22 - McKinney			

Amended Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 6/26/14			PERRY CHRISTENSEN, JENNIE TKACZ, ANDREW CHRISTENSEN, KYLE CHRISTENSEN, and MARK CHRISTENSEN, children and grandchildren, are petitioners.	NEEDS/PROBLEMS/COMMENTS:	
	Aff.Sub.Wit.				40 days since DOD
✓	Verified				No other proceedings
	Inventory				I&A: \$105,000.00
	PTC				Will dated 7-10-87
	Not.Cred.				Petitioner requests Court determination that the decedent's 100% interest in real property passes as follows:
✓	Notice of Hrg				<ul style="list-style-type: none">• Perry Christensen 33.3%• Jenny Tkacz 33.3%• Mark Christensen 11.1%• Kyle Christensen 11.1%• Mark Christensen 11.1%
✓	Aff.Mail	W			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

Reviewed by: skc
Reviewed on: 4/15/15
Updates:
Recommendation: SUBMITTED
File 23 – Christensen

**Regarding Proposed Order Approving First and Final Account and Report of the
Status of Administration and Petition for Settlement Thereof; For Allowance of
Statutory Attorneys' Compensation and for Final Distribution**

DOD: 3/2/13		<p>DIANE ESPARZA, Daughter and Executor with Limited IAEA without bond, filed her Amended First and Final Account on 8/21/14. The petition requested statutory fees of \$6,252.84 to Petitioner and her attorney, reimbursement of \$13,686.21 to Petitioner for expenses (less \$10,400.00 for rent), and distribution of the estate to Diane Esparza and Ray Esparza as trustees of the Ray P. and Virgie Esparza Trust.</p> <p>RAY ESPARZA, Son, filed his Objection on 9/23/14.</p> <p>Dispute Resolution Agreement attached to Declaration of A. Emory Wishon, III, in Support of Dispute Resolution Agreement filed 2/5/15 included a list of specific assets and liabilities, withdrawal of the objection, and attorney fees to Objector's attorney of \$6,370.00 plus costs of \$1,032.00.</p> <p>Minute Order 2/10/15 states: The matter is approved subject to filing of a receipt for the \$10,400.00 owed for rent, and with the objector's attorney's fees at \$6,252.84 plus costs of \$1,032.00. Mr. Wishon to submit a revised order. Petition granted, order to be signed ex parte.</p> <p>On 2/23/15, Mr. Wishon submitted a revised proposed order, along with a declaration, that provides revised schedules, fee calculations, and distribution.</p> <p>Because the proposed order did not correspond to the petition that was granted on 2/10/15 or the Court's minute order, the Court re-set the matter for hearing, with Petitioner responsible for serving notice on all parties entitled thereto.</p> <p>See Page 2 for a comparison of the petition and the revised schedules attached to the declaration.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p align="center"><u>SEE ADDITIONAL PAGES</u></p>
Cont. from 040915			
Aff.Sub.Wit.			
Verified	x		
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc

Reviewed on: 4-14-15

Updates:

Recommendation:

File 24 – Esparza

Page 2

Amended Petition filed 8-21-14:**Accounting:** \$175,094.62**Beginning POH:** \$164,061.64**Ending POH:** \$175,105.87 (\$54,505.87 cash plus real property, personal property, and *rent due* from Executor Diane Esparza of \$10,400.00)**Executor (Statutory): \$6,252.84** (includes the \$10,400 *rent due* as a "receipt" for calculation)**Attorney (Statutory): \$6,252.84****Reimbursement to Petitioner: \$13,868.21, less \$10,400.00 owed in rent, balance due of \$3,468.21.****Distribution pursuant to Decedent's will:** Diane Esparza and Ray A. Esparza, as trustees of the Ray P. and Virgie Esparza Trust dated 11-1-96: \$159,059.08 (not broken down).**Declaration of A. Emory Wishon, III, filed 2-23-15, and Proposed Order provide as follows:****Accounting:** \$189,006.92**Beginning POH:** \$177,973.94**Ending POH:** \$188,995.67 (\$78,795.67 cash plus the residence valued at \$110,000.00 and personal property valued at \$200.00) (Schedule A indicates \$10,400.00 in rent was paid 2-10-15.)**Executor (Statutory): \$6,670.21** (increased based on above revised schedules, which includes cash not previously inventoried, and the \$10,400.00 rent *now paid* as a receipt)**Attorney Wishon (Statutory): \$6,670.21 plus costs of \$1,439.45.**Note: Costs were not previously requested and do not appear to be itemized in the petition or declaration pursuant to Local Rule 7.17.**Attorney Roberts: \$6,370.00 plus costs of \$1,032.00**Note: Minute Order 2-10-15 authorizes \$6,252.84, which corresponded to the previous statutory compensation) plus costs of \$1,032.00. Declaration filed 2-23-15 states that because the amount originally requested, \$6,370.00, is actually less than the new statutory figure, that is the figure that should be authorized.**Reimbursement to Petitioner: \$11,631.38****Distribution: Real property only.** Note: cash and personal property are not mentioned. Order includes two parcels, where only one was inventoried.**SEE ADDITIONAL PAGES**

Page 3

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to the Court's order of 3-2-15 and Probate Code §1220 on Ray Esparza, Attorney Gregory J. Roberts, and Mandy Esparza.
2. On 2-10-15, the Court granted the petition, subject to receipt of the \$10,400.00 owed, and authorized attorney fees and costs to the Objector's attorney in the same amount as the statutory fees that were authorized to Petitioner and her attorney.

However, the proposed order was submitted with revised schedules that now include a previously disputed account, which result in an increase of the statutory fee calculation for Petitioner and her attorney.

- a. The declaration and revised schedules are not verified by the fiduciary Executor.
- b. It does not appear that this increase was contemplated by either the agreement or the Court when granting the petition. Need clarification.

Note: The proposed attorney fees to Objector's attorney were also increased further than what was authorized, but only to the amount noted in the agreement.

3. The proposed order now includes costs of \$1,439.45 to Petitioner's attorney, which were not previously requested, and have not been itemized for review pursuant to Local Rule 7.17. Need itemization.
4. The proposed order also appears to include a parcel of real property that was not included in the I&A. I&A Partial No. 1 filed 1-3-14 includes the residence, APN 436-113-14, without any legal description. The proposed order includes distribution of the residence, APN 436-113-14, as "Parcel One" plus "Parcel Two" APN 436-113-23. Need clarification: Was Parcel Two included in the Probate Referee's appraisal value OF \$110,000.00?
5. The proposed order does not include the dollar amount for distribution in addition to the real property pursuant to Local Rule 7.6.1.A.